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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,805	04/09/2004	Jong-deok Lim	1572.1335	8865

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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/820,805	Applicant(s) LIM ET AL.	
	Examiner James O. Hansen	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-8,10,11 and 13-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-8,10,11 and 13-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.
2. Claims 1, 4-8, 10-11 & 13-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claims 1 & 8, the newly added limitation “which extends in a horizontal direction relative to the refrigerator, across a bottom surface of the refrigerator to support the bottom surface...” is deemed to be misdescriptive of the embodiments since the position is put forth that the “support” (20) does not extend across a bottom surface of the refrigerator as claimed, but rather the “support” supports the “bases” (11) which are attached to the bottom surface of the main body. It is viewed that the bases extend across a bottom surface of the refrigerator to support the bottom surface. As such, it is not clear if the “support” actually extends across a bottom surface of the refrigerator [viewed as the bottom surface of the main body] to support the bottom surface of the refrigerator in view of the intervening elements [bases]. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

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skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4-8, 10-11, 13-17 & 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lundagards [U.S. Patent No. 5,692,722]. Lundagards (figures 1-8) teaches of a supporting structure (fig. 1) of an appliance having a main body and including a storage compartment [internal space], and at least two bases (5 for example) provided in a lower part of the main body, the supporting structure comprising: a support (3) provided under the main body to support the main body which extends in a horizontal direction (fig. 1) relative to the appliance, below a bottom surface of the appliance so as to be capable of supporting the bottom surface as best understood by the examiner; and a pair of supporting brackets (4) provided at opposite sides of the main body, which are connected with side surfaces of the bases, to connect the side surfaces of the bases of the main body with the support. The supporting brackets each comprise a lower supporting part (horizontal lower portion – fig. 1) connected to the support, and a side supporting part (slanted vertical portion – fig. 1) upwardly extended from the lower supporting part and connected to a side surface of the base via grooves (8, 9 for example). The brackets further comprising an upper supporting part (horizontal upper portion – fig. 1) bent from the side supporting part to support a lower part of the main body. The lower supporting part and the side supporting part of each supporting bracket are formed with at least one connecting hole (holes in the lower part as see in fig. 1 & hole 27 in the side supporting part), respectively, to connect the support and the base with screws if need be, respectively. The support is of a predetermined height to be spaced apart from a bottom of the main body as best understood by the examiner. The lower supporting part and the side supporting part form an L-shaped portion (fig. 6) and are provided along a longitudinal

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direction at opposite sides of the main body. The support is formed with at least one connecting hole to connect the support with the lower supporting part of the supporting bracket. The lower supporting part comprises at least one connecting hole formed on a surface of the lower supporting part at predetermined intervals (fig. 1), wherein the side supporting part is connected to a side surface of each base and comprises at least one connecting hole formed on a surface of the side supporting parts at one predetermined location (fig. 6). The at least one connecting hole of the lower supporting part corresponds to the at least one connecting hole formed on the support (fig. 1), wherein an inherent screw is inserted through the at least one connecting hole of the lower supporting part and the support, to connect the supporting bracket to the support. Each base further includes at least one connecting hole (note fig. 7) to connect to the side supporting part of each respective supporting bracket [holes are axially aligned], the holes being connected together via a screw member (14).

Lundagards teaches applicant's inventive claimed structure as disclosed above, but does not specifically show the supporting structure in combination with a "refrigerator". As to the "refrigerator" recitation, it is viewed that Lundagards teaches the use of a supporting structure in combination with a similar structure i.e., another appliance. Since positively claimed aspects of a "refrigerator" are not specifically claimed, the examiner has taken the position that one of ordinary skill in the art would deem it obvious to substitute one appliance for another where structural aspects of a supporting structure are similar and where the details of the supporting structure do not preclude the use of similarly shaped appliances.

Response to Arguments

5. Concerning the Lundagards reference, the position is taken that the prior art meets the claimed structural limitations as put forth above, regardless of the order in which the parts are mounted together. The examiner notes that the support (3) of Lundagards does support the bottom of the appliance via the intervening members 4 & 5 [bracket and base respectively] as readily apparent. It is noted that the bases (11) of the instant invention are in *direct contact with the support* when supporting the main body with a respective supporting bracket connected to a side surface of each base and to a top surface of the support without supporting the weight of the appliance.

Allowable Subject Matter

6. Pending further review and consideration, Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and

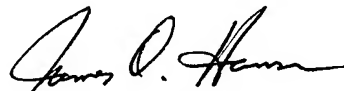
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any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can normally be reached on Monday-Friday between 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
March 30, 2006